

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ASHUTOSH KUMAR, *and all those  
similarly situated*,

Plaintiff,

– *against* –

S & A STORES INC, RONALD ADES,  
MORRIS ADES, LOUIS ADES (deceased,  
his heirs and assigns), ISAAC KAIREY,  
*and* NADEEM CHOUDHURY,

Defendants.

**OPINION & ORDER**

23-cv-8871 (ER)

RAMOS, D.J.:

On September 6, 2024, the Court issued an Opinion & Order denying the parties’ request for settlement approval without prejudice. Doc. 18. In doing so, the Court instructed the parties to do one of the following by September 27, 2024:

- Submit (1) a revised motion for settlement approval to the Court that provides sufficient information regarding Kumar's maximum potential recovery so that the Court can assess whether the settlement amount is fair and reasonable; and (2) a revised proposed settlement agreement that includes an appropriate non-disparagement provision, or removes the non-disparagement provision entirely; or
- Stipulate to dismissal of the case without prejudice, which the Court need not approve under current Second Circuit case law. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 201 n.2. (2d Cir. 2015).

Doc. 18 at 4.

With Defendants’ consent, on September 26, 2024, Kumar requested an extension to “return the proposed settlement to the Court for further review,” until October 10, 2024, which the Court granted on the same day. Docs. 19, 20. On October 10, 2024, Kumar made a second request for an extension, until October 18, 2024, which was granted on October 11, 2024. Docs. 21, 22. However, to date, the Court has not received the parties revised settlement nor an additional request for an extension. The

parties are again instructed to submit a revised motion for settlement approval and a revised proposed settlement agreement, or to stipulate to dismissal of the case without prejudice by December 23, 2024.

IT IS SO ORDERED.

Dated: December 16, 2024  
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

EDGARDO RAMOS, U.S.D.J.